

United States District Court

Petition Government for the redress of grievance

Grievance: Errors in Government of the United States records causing deprivation of rights.

I, Robert Allen Rytlewski, DoD ID No 1211280006 attest to the following statement.

There are various administrative errors and omissions in official records of the Government of the United States that are adversely affecting my “affiliation and eligibility for benefits” pertaining to my honorable and faithful service in the United State Army.

Administrative errors in my Defense Enrollment Eligibility Reporting System(DEERS) record are keeping me from obtaining the Identification Card mandated by the Geneva Convention that I be in possession of, Pay, other entitlements and privileges owed me under the enlistment contract between the Government of the United States and myself.

According to Department of Defense Manual: NUMBER 1000.13, Volume 1 (January 23, 2014) ENCLOSURE 2, ID CARD LIFE-CYCLE PROCEDURES, “IDENTITY AND ELIGIBILITY VERIFICATION” c. DEERS Verification. “The VO shall utilize DEERS to verify affiliation and eligibility for benefits as described in Volume 2 of this Manual.”

It is my belief that utilizing DEERS information the VO should issue me the DD FORM 2S (RET)“Armed Forces of the United States Geneva Conventions Identification Card (Retired) (Blue)” described in APPENDIX 1 TO ENCLOSURE 2 “ID CARD DESCRIPTIONS AND POPULATION ELIGIBILITY CATEGORIES” of Department of Defense Manual: NUMBER 1000.13, Volume 1.

According to the “MilConnect” website (<https://milconnect.dmdc.osd.mil>) “Veterans must be in DEERS so they can register for a DS Logon and utilize the eBenefits website.”

I am registered for a “DS Logon” but my profile on the VA Website has my name as “**Robert Allen allen Rytlewski**”; an incorrect date of birth of 09/01/1958 (should be 09/05/1958), and Service dates that are not the same as those on my “Certificate of Release or Discharge from Active Duty” (DD-214).

EXHIBIT 1 is a copy of my profile page on the VA website evidencing the errors. I believe these attributes in error are incorporated into my DEERS record and contribute to the disenfranchisement of my entitlements. (Take notice my Given Name is Robert Allen, I do not have a middle name).

The “**Certificate of Release or Discharge from Active Duty**” (DD-214) I was provided by the United States Army was not executed in accordance with Army Regulations and it contains administrative errors and omissions that contribute to a mistake in my current status with the Government of the United States that adversely effects Pay, entitlements and privileges owed me for my Honorable and Faithful service. (**EXHIBIT 2**).

The “Separation Authority” Army Regulation (AR 635-200) listed in Block 25 of the DD-214 mandates the process that must be executed if I was released from the custody and control of the United States Army. The Government of the United States has not provided proof this process was completed.

I never received an administrative separation order required under AR 635-200, nor the Separation Pay authorized by "Separation Code" JBK (Block 26) I am entitled too if I had in actual fact been released from the custody and control of the Army.

I did not sign my DD-214 indicating I was "in absentia" but this error was never corrected by a subsequent document; and as I did not receive a dental exam I could not have been discharged.

It is my belief I was never "discharged" and that the Government of the United States exercised its contractual option to retain me past my end of enlistment date and that in actual fact I am still a member of the United States Army even if that would mean that I am considered "Missing" status.

The ENLISTMENT/REENLISTMENT DOCUMENT, ARMED FORCES OF THE UNITED STATES(DD FORM 4/1,4/2,4/3) states in its Section 9 (5) "Entitled to receive pay, allowances, and other benefits as provided by law and regulation" while enlisted and in Section 10 it is clearly stated that my enlistment can be extended without my consent.

I believe the policies and procedures of the Department of Defense, Department of the Army, and Veterans Affairs are not being followed "by the book" and I am unjustly denied Pay, entitlements, and privileges owed me by my enlistment contract with the Government of the United States.

I believe all Veterans and survivors have similar defects in DEERS and DD-214 records causing them the same style deprivation of rights.

50 USC Ch. 50: SERVICEMEMBERS CIVIL RELIEF, §4012. Certificates of service; persons reported missing; makes provisions for the Secretary of the Army to provide Certificate by application that would certify my current status. (EXHIBIT 3)

I ask the Court apply for this Certificate on my behalf and based on the Certificates details the court order my equitable relief in accordance with the details on the Certificate of service.

"I declare under penalty of perjury that the foregoing is true and correct. Executed on October 12 2020.

Signature: Robert Allen Rytlewski

Robert Allen Rytlewski, United States Army Veteran
DOD ID No. 1211280006

Official Address: 10955 14 MILE RD NE
ROCKFORD MI 49341-8664

Phone: 616-712-6179
Email: RobbRyder@aol.com

EXHIBIT 1: copy of Petitioner's profile page on the VA website

EXHIBIT 2: Petitioner's most recent "Certificate of Release or Discharge from Active Duty" (DD-214)

s/Robert Allen Rytlewski

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The screenshot shows the VA.gov profile page for Robert Allen Rytlewski. The browser address bar displays "https://www.va.gov/profile". The page header includes the VA logo, the U.S. Department of Veterans Affairs name, and navigation links for Search, Contact us, and the user's name, Robert Allen. A red banner at the top right says "Talk to the Veterans Crisis Line now". The main content area shows the user's name "Robert allen Allen Rytlewski" and "United States Army". Below this is a paragraph: "Review your personal, military service, direct deposit, and contact information—and find out how to make any needed updates or corrections." A section titled "On this page" lists "Contact information". A blue "Feedback" button is on the right. The Windows taskbar at the bottom shows the time as 11:42 AM on 5/26/2020.

The screenshot shows the "Contact information" page on VA.gov. The browser address bar displays "https://www.va.gov/profile". The page title is "Contact information". A grey box contains an information icon and text: "We'll use this information to contact you about certain benefits and services, including disability compensation, pension benefits, and claims and appeals. If you're enrolled in VA health care, we'll send your prescriptions to the mailing address listed below. Your health care team may also use this contact information to communicate with you." Below this is a link: "How do I update my contact information for other benefits?". The "Mailing address" section shows "10955 14 Mile Rd NE, Rockford, MI 49341" with an "Edit" link. The "Home address" section shows the same address with an "Edit" link. The "Home phone number" section shows "+1 (616) 712-6179" with an "Edit" link. A blue "Feedback" button is on the right. The Windows taskbar at the bottom shows the time as 11:43 AM on 5/26/2020.

The screenshot shows a web browser window with the URL <https://www.va.gov/profile>. The browser's address bar and tabs are visible at the top. The page content includes several sections for contact information:

- Home phone number** [Edit](#): [+1 \(616\) 712-6179](tel:+16167126179)
- Mobile phone number**: Please add your mobile phone number
- Work phone number** [Edit](#): [+1 \(616\) 712-6179](tel:+16167126179)
- Fax number**: Please add your fax number
- Email address** [Edit](#): RobbRyder@aol.com
- How do I update the email I use to sign in to VA.gov?**: [Go to your account settings](#)
- Personal information**

A blue "Feedback" button is located on the right side of the page. The Windows taskbar at the bottom shows the time as 11:43 AM on 5/26/2020.

This screenshot shows the lower portion of the VA.gov profile page. It includes the following sections:

- How do I update my personal information?** [▼](#)
- Gender**: Male
- Birth date**: Sept. 1, 1958
- Military service**:
 - [What if my military service information doesn't look right?](#) [▼](#)
 - Army**: Feb. 2, 1983 – March 17, 1988
 - Army**: Jan. 12, 1979 – Jan. 12, 1982

A blue "Feedback" button is visible on the right side. The Windows taskbar at the bottom shows the time as 11:44 AM on 5/26/2020.

CAUTION: NOT TO BE USED FOR
IDENTIFICATION PURPOSESTHIS IS AN IMPORTANT RECORD
SAFEGUARD ITANY ALTERATIONS IN SHADED
AREAS RENDER FORM VOID

DD FORM 1 JUL 79 214		PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.		H9		CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY		G		
1. NAME (Last, first, middle) RYTLEWSKI, ROBERT ALLEN				2. DEPARTMENT, COMPONENT AND BRANCH ARMY/RA		3. SOCIAL SECURITY NO. 374 150 16794				
4a. GRADE, RATE OR RANK SSG		4b. PAY GRADE E-6		5. DATE OF BIRTH 580905		6. PLACE OF ENTRY INTO ACTIVE DUTY DETROIT, MI				
7. LAST DUTY ASSIGNMENT AND MAJOR COMMAND FACILITY ENGINEER SUPPORT AGENCY (CE)						8. STATION WHERE SEPARATED FORT BELVOIR, VA				
9. COMMAND TO WHICH TRANSFERRED NA						10. SGLI COVERAGE AMOUNT \$ 50,000 <input type="checkbox"/> NONE				
11. PRIMARY SPECIALTY NUMBER, TITLE AND YEARS AND MONTHS IN SPECIALTY (Additional specialty numbers and titles involving periods of one or more years) 52E, PRIME POWER PRODUCTION SPECIALIST 3 YRS, 2 MOS//72E, TELECOM CENTER OPERATOR 5 YRS, 0 MOS//NOTHING FOLLOWS						12. RECORD OF SERVICE		YEAR (s)	MON (s)	DAY (s)
						a. Date Entered AD This Period		83	02	02
						b. Separation Date This Period		88	03	16
						c. Net Active Service This Period		05	01	15
						d. Total Prior Active Service		03	00	00
						e. Total Prior Inactive Service		01	01	04
						f. Foreign Service		00	00	00
						g. Sea Service		00	00	00
						h. Effective Date of Pay Grade		85	10	27
i. Reserve Oblig. Term. Date		00	00	00						
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) ARMY SERVICE RIBBON//OVERSEAS SERVICE RIBBON//ARMY GOOD CONDUCT MEDAL (2 AWARDS)// NOTHING FOLLOWS										
14. MILITARY EDUCATION (Course Title, number weeks, and month and year completed) NBC, 2 WKS, AUG 83//LEADERSHIP TRAINING, 2 WKS, JUN 83//PRIME POWER PRODUCTION SPECIALIST, 52 WKS, JAN 85//NOTHING FOLLOWS										
15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					16. HIGH SCHOOL GRADUATE OR EQUIVALENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			17. DAYS ACCRUED LEAVE PAID		
18. REMARKS DENTAL CARE WAS NOT PROVIDED WITHIN 90 DAYS PRIOR TO SEPARATION//NOTHING FOLLOWS										
<div style="border: 2px solid red; padding: 10px; margin: 10px auto; width: 80%;"> EXHIBIT 2 s/Robert Allen Rytlewski Official Address: 10955 14 MILE RD NE ROCKFORD MI 49341-8664 Phone: 001-616-712-6179 / Email RobbRyder@aol.com </div>										
19. MAILING ADDRESS AFTER SEPARATION 1423 W MIDLAND RD AUBURN, MI 48611						20. MEMBER REQUESTS COPY 6 BE SENT TO <u>MI</u> DIR. OF VEI AFFAIRS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
21. SIGNATURE OF MEMBER BEING SEPARATED MEMBER UNAVAILABLE FOR SIGNATURE						22. TYPED NAME, GRADE, TITLE AND SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN ROBERT A. RYDLEWSKI, CAPT, USAF, DEPUTY ADJUTANT GENERAL				

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION DISCHARGE		24. CHARACTER OF SERVICE (Includes upgrades) HONORABLE A	
25. SEPARATION AUTHORITY AR 635-200, CHAP 4		26. SEPARATION CODE JBK	
27. REENLISTMENT CODE RE-1A		28. NARRATIVE REASON FOR SEPARATION EXPIRATION TERM OF SERVICE	
29. DATES OF TIME LOST DURING THIS PERIOD NONE		30. MEMBER REQUESTS COPY 4 INITIALS	

CODIFICATION

Section was formerly classified to section 581 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 601 of act Oct. 17, 1940, ch. 888, art. VI, 54 Stat. 1190; Jan. 20, 1942, ch. 10, §§1, 2, 56 Stat. 10; Pub. L. 102–12, §9(26), Mar. 18, 1991, 105 Stat. 41, related to certificates of service and persons reported missing, prior to the general amendment of this Act by Pub. L. 108–189. See section 4012 of this title.

Provisions similar to this section were contained in section 600 of act Oct. 17, 1940, ch. 888, art. VI, 54 Stat. 1190; Pub. L. 102–12, §9(25), Mar. 18, 1991, 105 Stat. 41, prior to the general amendment of this Act by Pub. L. 108–189.

EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108–189, set out as a note under section 3901 of this title.

§4012. Certificates of service; persons reported missing

(a) Prima facie evidence

In any proceeding under this chapter, a certificate signed by the Secretary concerned is prima facie evidence as to any of the following facts stated in the certificate:

- (1) That a person named is, is not, has been, or has not been in military service.
- (2) The time and the place the person entered military service.
- (3) The person's residence at the time the person entered military service.
- (4) The rank, branch, and unit of military service of the person upon entry.
- (5) The inclusive dates of the person's military service.
- (6) The monthly pay received by the person at the date of the certificate's issuance.
- (7) The time and place of the person's termination of or release from military service, or the person's death during military service.

EXHIBIT 3

s/Robert Allen Rytlewski

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(b) Certificates

The Secretary concerned shall furnish a certificate under subsection (a) upon receipt of an application for such a certificate. A certificate appearing to be signed by the Secretary concerned is prima facie evidence of its contents and of the signer's authority to issue it.

(c) Treatment of servicemembers in missing status

A servicemember who has been reported missing is presumed to continue in service until accounted for. A requirement under this chapter that begins or ends with the death of a servicemember does not begin or end until the servicemember's death is reported to, or determined by, the Secretary concerned or by a court of competent jurisdiction.

(Oct. 17, 1940, ch. 888, title VI, §602, as added Pub. L. 108–189, §1, Dec. 19, 2003, 117 Stat. 2859.)

CODIFICATION

Section was formerly classified to section 582 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 602 of act Oct. 17, 1940, ch. 888, art. VI, 54 Stat. 1191, related to revocation of interlocutory orders, prior to the general amendment of this Act by Pub. L. 108–189. See section 4013 of this title.